

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alberth, Jr. et al. )  
)  
For: Method and Apparatus for Storing a )  
Message for Playback during a )  
User-Initiated Emergency )  
Telephone Call from a Wireless )  
Device )  
)  
Serial No.: 09/610,768 )  
)  
Filed: July 6, 2000 )  
)  
Examiner: Tran, T. )  
)  
Art Unit: 2618 )

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES,  
Interview Summary, Pre-Appeal Brief Request for Review, and  
Petition Requesting a Three Month Extension**

In accordance with 37 CFR §41.31, applicants hereby appeal to the Board of Patent Appeals and Interferences from the last decision of the Examiner, dated August 7, 2008, wherein the Examiner made the rejection of the claims 4, 12 and 17, final. The present filing date of February 9, 2009, corresponds to the original term for response extended three months, where February 9, 2009, constitutes the first business day after February 7, 2009, which corresponds to a Saturday.

In connection with the Notice of Appeal, Pre-Appeal Brief Request for Review, and

Petition requesting a three month extension, a fee in the amount of \$1150 is believed to be due, which corresponds to the fee for requesting the three month extension (\$1110), and the fee for filing the Notice of Appeal \$40 (\$540 less the already paid fee of \$500). The fee for filing a Notice of Appeal in the amount of \$540 has in effect already been partially paid, as the presently due fee is appropriately reduced by \$500, an amount corresponding to a previous amount already paid in connection with a previous filings of a Notice of Appeal on August 23, 2005, which was also applied as part of the Notice of Appeal filed September 21, 2007. The previous Notice of Appeal filing fee should be applied to a later appeal on the same application, as prosecution was reopened prior to a decision on the merits by the Board. Consequently the previous fees paid are believed to be appropriately applied to a later filed appeal (see MPEP §1208.02). The Commissioner is hereby authorized and requested to charge said fee, to Motorola's Deposit Account No. 50-2117.

However in the event the applicants are mistaken and additional fees are in fact due in connection with the present Notice of Appeal, Pre-Appeal Brief Review Request, and Request for a Three Month Extension being filed herewith, the applicants' representative authorizes the Commissioner to charge any such fee including any fee required to cover any deficiency associated with any underpayment, or to credit any overpayment to Deposit Account No. 50-2117, of Motorola, Inc.

Respectfully submitted,

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